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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,367	11/07/2008	Makoto Kobayashi	09/591.0006	9214
22852	7590	08/20/2009		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER NGUYEN, STEVEN C	
			ART UNIT 2443	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/588,367

Applicant(s)

KOBAYASHI, MAKOTO

Examiner

STEVEN C. NGUYEN

Art Unit

2443

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
- Paper No(s)/Mail Date 08/04/2006 and 01/07/2009
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Preliminary Amendment

1. Applicant's preliminary amendment filed on 10/31/2007 has been entered. In the preliminary amendment, **Claims 8-10, 16-20** were cancelled. **Claims 1-7, 11-15** are now pending.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 3, 4** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. **Regarding Claim 3**, the claim recites the limitation "connected in parallel." However, applicant's specification does not define what "connected in parallel" exactly means. Therefore, the claim language is insufficient for determining the applicant's

intent. Examiner will construe this as meaning the communication terminals are connected.

5. Regarding Claim 4, the claim recites the limitation "connected in series."

However, applicant's specification does not define what "connected in series" exactly means. Therefore, the claim language is insufficient for determining the applicant's intent. Examiner will construe this as meaning the communication terminals are connected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4, 11, 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Aboulhosn et al (US 6,938,042). Hereinafter Aboulhosn.

7. Regarding Claim 1, Aboulhosn disclosed:

a. A data management system, comprising: a first communication terminal including (*abstract*);

- b. a first content data storage which stores a first content data
(*Column 2, Lines 1-5 state that a folder at each member contains a file*);
- c. a first related data storage which stores a first related data
corresponding to the first content data (*Column 2, Lines 7-10 state that a virtual file that
contains information about the file itself is stored*);
- d. a second communication terminal including: a second content data
storage which stores a second content data (*Column 5, Lines 1-25 state that there is a
second member terminal that is connected to the first member*);
- e. a second related data storage which stores the first related data
received from the first communication terminal through a network and a second related
data corresponding to the second content data (*Column 2, Lines 35-41 state that
whenever metadata is changed for a file, the update is sent to all the members*).

8. Regarding Claim 2, the limitations of Claim 1 have been addressed. Aboulhosn disclosed:

- a. the first communication terminal updates the first related data
based upon receiving a related data from the other communication terminal (*Column 2,
Lines 35-41 state that the second terminal updates the metadata for the file after
receiving a notification from the file owner*);
- b. the first communication terminal sends the updated first related
data to the second communication terminal as an upper level communication terminal
connected to the first communication terminal (*Column 2, Lines 35-41 states that the file*

owner sends the updated metadata to all the other members, who then update the metadata associated with their corresponding file);

c. the second communication terminal updates the second related data stored in the second related data storage based upon the updated first related data from the first communication terminal, whereby the other related data stored in the other communication terminal is stored in the first communication terminal, as well as in the second communication terminal (*Column 2, Lines 10-20 state that the owner of the file stores a copy of the file as do the other members of the group. When any of the metadata for the files are updated, the update is sent across the group*).

9. Regarding Claim 3, the limitations of Claim 1 have been addressed. Aboulhosen disclosed:

a. wherein the first communication terminal includes a plurality of communication terminals connected in parallel to the second communication terminal through the network (*Column 2, Lines 1-20 show that the terminals communicate with each other by sending updates and content back and forth. Due to this, the terminals are connected*).

10. Regarding Claim 4, the limitations of Claim 1 have been addressed. Aboulhosen disclosed:

a. wherein: the first communication terminal includes a plurality of communication terminals connected in series to the second communication terminal through the network (*Column 2, Lines 1-20 show that the terminals communicate with*

each other by sending updates and content back and forth. Due to this, the terminals are connected).

11. Regarding Claim 11, Aboulhosn disclosed:

- a. a content data storage to store content data (*Column 2, Lines 1-5 state that a folder at each member contains a file*);
- b. a related data storage to store the related data corresponding to the content data (*Column 2, Lines 7-10 state that a virtual file that contains information about the file itself is stored*);
- c. a communication section to send and receive the related data with other communication terminals (*Column 2, Lines 35-41 state that whenever metadata is changed for a file, the update is sent to all the members*);
- d. a control section to control the communication section wherein: the control section, when the other communication terminal is connected to the communication terminal, updates the related data stored in the related data storage, and transmits the updated related data to an upper level communication terminal by controlling the communication section (*Column 2, Lines 35-41 state that whenever metadata is changed for a file, the update is sent to all the members*).

12. Regarding Claim 12, the limitations of Claim 11 have been addressed.

Aboulhosn disclosed:

- a. wherein: the control section includes a dependence information memory section to store information whether or not the another communication terminal is connected to the communication terminal (*Column 2, Lines 47-67 state that the group*

owner maintains who is online (connected) and how is offline (not connected) when sending out the updated metadata messages).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 5-7, 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aboulhosn in view of Gross (US 2002/0148343).

14. Regarding Claim 5, the limitations of Claim 1 have been addressed. Aboulhosn disclosed:

a. a communication between the first communication terminal and the second communication terminal (*Column 2, Lines 1-20 show that the terminals communicate with each other by sending updates and content back and forth. Due to this, the terminals are connected*).

Aboulhosn did not explicitly disclose:

b. communication is performed by wireless connections.

However, Gross disclosed:

c. communication is performed by wireless connections (*Paragraph 26 states that the transmitting device establishes a wireless or wired peer to peer connection with one or more receiving devices*).

d. The utilization of the readily available wireless connection of Gross would have been obvious to one of ordinary skill in the art in view of the teachings of Aboulhosn since all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions. The combination would have yielded nothing more than predictable results to one of ordinary skill in the art at the time of the invention, for example, to enable peer to peer sharing across a larger distance.

15. Regarding Claim 6, the limitations of Claim 1 have been addressed. Aboulhosn disclosed:

a. a communication between the first communication terminal and the second communication terminal (*Column 2, Lines 1-20 show that the terminals communicate with each other by sending updates and content back and forth. Due to this, the terminals are connected*).

Aboulhosn did not explicitly disclose:

b. communication is performed by wired connections.

However, Gross disclosed:

c. communication is performed by wired connections (*Paragraph 26 states that the transmitting device establishes a wireless or wired peer to peer connection with one or more receiving devices*).

d. The utilization of the readily available wired connection of Gross would have been obvious to one of ordinary skill in the art in view of the teachings of Aboulhosn since all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions. The combination would have yielded nothing more than predictable results to one of ordinary skill in the art at the time of the invention, for example, to enable a more stable connection.

16. Regarding Claim 7, Aboulhosn disclosed:

a. a group of a plurality of communication terminals connected with each other (*Column 2, Lines 1-20 show that the terminals communicate with each other by sending updates and content back and forth. Due to this, the terminals are connected*);

b. a browsing communication terminal to be connected to one communication terminal of the group, wherein: the browsing communication terminal is connected to an uppermost level communication terminal of the group through the one communication terminal and a communication terminal between the one communication terminal and the uppermost level communication terminal (*Figure 1, Column 4 Lines 1-5 state that the members have a shared folder that displays all the shared files of a certain group*);

c. the browsing communication terminal retrieves a related data corresponding to a desired content data from the related data stored in the uppermost communication terminal to identify a communication terminal of the group which stores

the desired content data (*Column 2, Lines 10-20 state that the when a file is requested, the file sharing system detects the access and requests that the file owner provide a copy of the file to the accessing member on a peer to peer basis*);

d. the browsing communication terminal communicates with the identified communication terminal to receive the desired content data (*Column 2, Lines 10-20 state that the when a file is requested, the file sharing system detects the access and requests that the file owner provide a copy of the file to the accessing member on a peer to peer basis*).

Aboulhosn did not explicitly disclose:

e. playing back the desired content data.

However, Gross disclosed:

f. playing back the desired content data (*Paragraph 44 states that the device can play the file that was received/stored*).

g. The utilization of the readily available play back function of Gross would have been obvious to one of ordinary skill in the art in view of the teachings of Aboulhosn since all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions. The combination would have yielded nothing more than predictable results to one of ordinary skill in the art at the time of the invention, for example, to enable the user to listen or view the media they just transferred.

17. Regarding Claim 13, Aboulhosn disclosed:

a. a related data storage to store related data corresponding to a content data (*Column 2, Lines 7-10 state that a virtual file that contains information about the file itself is stored*);

b. an input section to input retrieval information of the desired content data for browsing (*Column 2, Lines 15-20 states that a when a member accesses a file, the file sharing system detects the access and requests that the file owner provide a copy of the file. To do this, the requesting member must be able to input or select what file they want to transfer over*);

c. a related data retrieval section to retrieve the related data stored in the related data storage based on the retrieval information (*Column 2, Lines 15-20 states that a when a member accesses a file, the file sharing system detects the access and requests that the file owner provide a copy of the file. To do this, the requesting member must be able to input or select what file they want to transfer over. After the file transfer, the metadata is updated accordingly*);

Aboulhosen did not explicitly disclose:

d. a browsing section to browse the content data corresponding to related data retrieved by the related data retrieval section.

However, Gross disclosed:

e. a browsing section to browse the content data corresponding to related data retrieved by the related data retrieval section (*Paragraph 44 states that the device can playback (browse) the transferred file*).

f. The utilization of the readily available browsing section of Gross would have been obvious to one of ordinary skill in the art in view of the teachings of Aboulhosn since all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions. The combination would have yielded nothing more than predictable results to one of ordinary skill in the art at the time of the invention, for example, to enable the user to listen or view the media they just transferred.

18. Regarding Claim 14, Aboulhosn disclosed:

- a. a related data storage to store related data corresponding to a content data (*as discussed in Claim 13*);
- b. an input section to input retrieval information of the desired content data for browsing (*as discussed in Claim 13*);
- c. a related data retrieval section to retrieve the related data stored in the related data storage based on the retrieval information (*as discussed in Claim 13*);
- d. a browsing section to browse the content data corresponding to related data retrieved by the related data retrieval section (*as discussed in Claim 13*);
- e. a communication section to receive the content data and the related data through a network (*as discussed in Claim 11*);
- f. and a control section to control the communication of the content data based on the retrieved related data (*as discussed in Claim 11*).

19. Regarding Claim 15, the limitations of Claim 13 have been addressed.

Aboulhosn disclosed:

a. connects by peer-to-peer to a communication terminal to store the content data through the network (*Column 2, Lines 15-20 states that a when a member accesses a file, the file sharing system detects the access and requests that the file owner provide a copy of the file. To do this, the requesting member must be able to input or select what file they want to transfer over. After the file transfer, the metadata is updated accordingly*);

Aboulhosn did not explicitly disclose:

b. a browsing section.

However, Gross disclosed:

c. a browsing section (*Paragraph 44 states that the device is able to play back the transferred files*).

d. The utilization of the readily available browsing section of Gross would have been obvious to one of ordinary skill in the art in view of the teachings of Aboulhosn since all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions. The combination would have yielded nothing more than predictable results to one of ordinary skill in the art at the time of the invention, for example, to enable the user to listen or view the media they just transferred.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN C. NGUYEN whose telephone number is

(571)270-5663. The examiner can normally be reached on Monday through Thursday with alternating Friday 7:30AM - 5:00PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S.C.N./
Examiner, Art Unit 2443
08/13/2009

/Tonia LM Dollinger/
Supervisory Patent Examiner, Art Unit 2443